

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

April 23, 2001

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, April 23, 2001, at 7:00 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman, Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mr. Caldwell Pinckney, Jr., District 7; Mr. Henry L. Richardson, Councilmember District No. 8; and Mr. D. Mark Stokes, County Attorney. Mrs. Judy C. Mims, Councilmember District No. 6; was excused from this meeting.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Regular Meeting of Berkeley County Council at the entrance of the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers and the News media.

Chairman Rozier called the meeting to order, Councilmember Spooner gave the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States.

Chairman Rozier moved to **approve the minutes** for Special meeting of County Council, March 12, 2001; Public Hearings, Bill Nos. 00-76,0-77,00-79 and 00-81; Public Hearing on Bill No. 00-73; Regular Council Meeting, March 26, 2001.

Councilmember Davis moved for approval; the motion was seconded by Councilmember Spooner, and passed by voice vote of Council.

No one signed up for Public Discussion.

Chairman Rozier indicated the Council will need to go into Executive Session to discuss matters relating to the proposal location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of property, the receipt of legal advice where the legal advice relates to the pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a Claim.

Councilmember Crosby moved to enter Executive Session for the reason stated; the motion was seconded by Councilmember Spooner; and passed by voice vote of the Council.

Berkeley County Council entered Executive Session at 7:02 p.m. and returned at 7:48 p.m.

Mr. D. Mark Stokes, County Attorney, stated Berkeley Council went into Executive Session to discuss matters as previously stated in the motion; no formal action was taken.

Chairman Rozier explained the reason for Executive Session to the Public who has not attended a Council meeting. He indicated Council might enter Executive Session for very limited reasons, and confer about those topics. The Executive Session can be held to discuss Industry expansions or locations, contractual matters, legal matters, and personnel matters. He continued no action could be taken in Executive Session. All actions are taken in public.

Chairman Rozier continued with the three items on the agenda for Third Reading and he read those as follows:

Third Readings:

“Bill No. 01-1, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, in regards to reclassification of Approval uses for TMS#232-00-02-041.” *(Barry Whalen)*

Councilmember Davis asked the Chairman to have this Bill sent back to Committee. Mr. Rozier indicated Bill No. 01-1 would be held in Committee.

“Bill No. 01-2, an ordinance to provide a civil penalty for the unlawful possession of drug paraphernalia.”

Councilmember Spooner moved for approval; the motion was seconded by Councilmember Richardson; and passed by voice vote of the Council. *(Copy of Ordinance No. 01-4-10 is attached to these minutes)*

“Bill No. 01-3, An Ordinance to amend Ordinance no. 00-6-38, adopted June 26, 2000, to provide for supplemental appropriations and allocations thereof within the 2000-20001 budget for Berkeley County, and other matters relating thereto.”

Councilmember Crosby moved for approval; the motion was seconded by Councilmember Vaughn; and passed by voice vote of the Council. *(Copy of Ordinance No. 01-4-11 is attached to these minutes)*

Chairman Rozier stated there were three Bills for Second Reading.

Second Readings:

“Bill No. 01-5, and Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, in regards to a reclassification of approval uses for TMS #242-00-01-009” (*Phillip C. Obie*)

Councilmember Spooner moved for approval; the motion was seconded by Councilmember Crosby; and passed by voice vote of the Council.

“Bill No. 01-6, an ordinance to modify the official zoning and development standards map of Berkeley County, South Carolina, in regards to a reclassification of approved uses FOR TMS #123-00-03-074” (*Michael D. Weeks*)

Councilmember Spooner moved for approval; the motion was seconded by Councilmember Farley; and passed by voice vote of the Council.

“Bill No. 01-7, and ordinance authorizing the acceptance of the transfer of authority for conducting municipal elections in the **Town of Moncks Corner** to the Berkeley County Voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Berkeley County Voter Registration and Election Commission for the conduct of Municipal Elections in the Town of Moncks Corner; to provide for reimbursement of all costs and expenses incurred by the Berkeley County Voter Registration and Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto.”

Councilmember Crosby moved for approval; the motion was seconded by Councilmember Spooner; and passed by voice vote of the Council.

Chairman Rozier read the Bills for First Reading into the record; and explained, Bills for First Reading do not have to be voted on. They are read into record, and sent to committee for further discussion.

“Bill No. 00-78, an ordinance to modify the official zoning and development Standards Map of Berkeley County, South Carolina, in regards to a reclassification of approved uses for TMS #181-02-02-050” (*Larry Miller*)

“Bill No. 01-8, an ordinance to repeal ordinance no. 80-3-5 in its ENTIRETY and to amend ordinance no. 80-3-4 to delete reference to the county fire board.”

“Bill No. 01-9, an ordinance to modify the official zoning and development standards map of Berkeley County, South Carolina, in regards to reclassification of approved uses for TMS #252-11-07-007 and 008.” (*Trico Engineering Consultants, Inc. for Patricia J. Collins*)

“**Bill No. 01-10**, an **ordinance** to modify the official zoning and development standards map of Berkeley County, South Carolina, in regards to a reclassification of approved uses for TMS #068-04-02-005,060,061,062, and 063.” (*Gayle Judy*)

“**Bill No. 01-11**, an **ordinance** to modify the official zoning and development standards map of Berkeley County, South Carolina, in regards to a reclassification of approved uses for TMS #162-02-00-016.” (*Vida Christy*)

“**Bill No. 01-12**, an **ordinance** to modify the official zoning and Development standards map of Berkeley County, South Carolina, in regards to a reclassification of approved uses for TMS #087-00-05-044.” (*William R. Phillips*)

“**Bill No. 01-13**, an ordinance providing appropriations for the fiscal year beginning July 1, 2001, and ending June 30, 2002, for **Berkeley County**; to county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year.”

“**Bill No. 01-14**, an ordinance providing for the fiscal year beginning July 1, 2001, and ending June 30, 2002, FOR THE **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax district during the fiscal year.”

“**Bill No. 01-15**, an ordinance providing for the fiscal year beginning July 1, 2001, and ending June 30, 2002, FOR THE **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax district during the fiscal year.”

“**Bill No. 01-16**, an ordinance providing for the fiscal year beginning July 1, 2001, and ending June 30, 2002, FOR THE **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax district during the fiscal year.”

“**Bill No. 01-17**, an ordinance providing for the fiscal year beginning July 1, 2001, and ending June 30, 2002, FOR THE **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax district during the fiscal year.”

“**Bill No. 01-18**, AN ordinance providing for the adoption of fiscal year 2001-2002 (Beginning July 1, 2001 and Ending June 30, 2002) budgets for the **Berkeley County Water and Sanitation Authority** and the **Berkeley County Water and Sanitation Authority** solid waste fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into the Berkeley County Water and Sanitation Authority and Berkeley County Water and Sanitation ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for water and sewer and solid waste service by the Berkeley County Water and Sanitation Authority.”

“Bill No. 01-19, an ordinance providing for the fiscal year beginning July 1, 2001, and ending June 30, 2002, FOR THE **Berkeley County Special Fire Tax District** operational budget; and to provide for the expenditures of the revenues received by the Berkeley County Special Tax district during the fiscal year.”

“Bill No. 01-20, an ordinance authorizing: (1) the execution and delivery of real property fee in lieu of tax agreement between Berkeley County, South Carolina, (The “County”) and **Duck Pond Creek, LLC** (“DPC”) for lease to Blackbaud, Inc. (“Blackbaud”) and/or Three Lions, LLC (“Three Lions”) and a personal property fee in lieu of tax agreement between the County and Blackbaud; (2) payment by the DPC, Blackbaud and/or Three Lions of certain fees in lieu of a lieu of a ad valorem taxes; (3) the benefits of a multi-county park to the made available to the foregoing companies; (4) the benefits of certain special source credits; and (5) certain other matters relating thereto.”

Chairman Rozier read the three Resolutions as follows:

Resolutions:

“Resolution providing for the Transfer of Funds in the 2000-2001 Berkeley County Budget for County Purposes other than as specified in said Budget.”

Councilmember Crosby moved to approve; the motion was seconded by Councilmember Farley; and passed by voice vote of the Council. (*Copy of Resolution R01-18 is attached to these minutes*)

“Resolution authorizing the execution and delivery of an amended inducement agreement by and between Berkeley County, South Carolina, and **Triton PCS Holdings Company, L.L.C. and DIBS-Sun, LLC** whereby, under certain conditions, Berkeley County will execute a lease AGREEMENT(s) for a PROJECT(s) involving not less than twenty-two million dollars (\$22,000,000) investment.”

Councilmember Crosby moved for approval; the motion was seconded by Councilmember Spooner; and passed by voice vote of the Council. (*Copy of Resolution R01-19 is attached to these minutes*)

“Resolution consenting to the election by **Triton PCS Holdings Company, L.L.C. and DIBS-Sun, LLC** to proceed pursuant to title 12, Chapter 44, of the Code of Laws of South Carolina 1976, as amended in connection with the Triton PCS fee-in-lieu of tax project involving not less than a twenty-two million dollar (\$22,000,000) investment in Berkeley County, South Carolina.”

Councilmember Crosby moved for approval; the motion was seconded by Councilmember Farley; and passed by voice vote of the Council. (*Copy of Resolution R01-20 is attached to these minutes*)

Reports from standing committees:

Committee on Finance, Councilmember Steve M. Vaughn, Chairman.

Councilmember Vaughn stated the committee met on April 16, 2001 and many of the matters had been taken care of on tonight's agenda. One other matter was a request by the Coroner's office for funding of the unused personal leave in the amount of \$7,727 to come from Contingency. Councilmember Vaughn reported the Committee approved and he so moved; the motion was seconded by Councilmember Spooner; and passed by voice vote of the Council.

Councilmember Vaughn continued, there were recommendations to the Grievance Committee: Gregg Rines, GIS, appointment to expire April 30, 2004 and Martha LeCory, Engineering Department, appointment to expire April 30, 2004. Councilmember Vaughn reported the Committee approved and he so moved; the motion was seconded by Councilmember Crosby; and passed by voice vote of the Council.

Committee on Land Use, Councilmember Charles E. Davis, Chairman.

Councilmember Davis reported the Committee on Land Use met on April 16, 2001, and all matters have been taken care of on tonight's agenda.

Committee on Public Works and Purchasing, Councilmember William E. Crosby, Chairman. Councilmember Crosby stated the Committee met on April 9 and April 16, 2001. The first item was a recommendation from Public Buildings that the contract for the replacement of the Main Library roof system be awarded to Keating Roofing and Sheet Metal Company, Inc in the amount of \$61,540. Councilmember Crosby reported the Committee approved and he so moved; the motion was seconded by Councilmember Farley; and passed by voice vote of the Council.

Second Item was a recommendation by Berkeley County Water and Sanitation Authority that the North Bonneau Water Extension Project contract be awarded to Maxcy C. Hicks and Son, Inc. in the amount of \$580,979. Councilmember Crosby stated the Committee approved and he so moved; the motion was seconded by Councilmember Farley; and passed by voice vote of the Council.

Committee on Justice and Public Safety, Councilmember Milton Farley, Chairman.

Councilmember Farley stated the Committee met on April 9, and all matters before it had been taken care of on tonight's agenda.

Committee on Water and Sanitation, Councilmember Henry L. Richardson, Chairman.

Councilmember Richardson stated the Committee met on April 9; one matter before the Committee was the successor in interest agreement: Transfer of City of Hanahan Sewer System. Councilmember Crosby indicated the Committee approved and he so moved; the motion was seconded by Councilmember Spooner; and passed by voice vote of the Council.

Councilmember Richardson report that Mark Hehn, Director of the Department of Water and Sanitation announced “**Bill No. 01-4**, an ordinance authorizing an equipment lease purchase agreement in the amount of not exceeding \$386,851.99 between BERKELEY COUNTY and BB&T to defray the cost of acquiring certain equipment and other matters relating thereto.” was not needed. The recommendation was to deny this ordinance. Councilmember Richardson stated the Committee approved and he so moved; the motion was seconded by Councilmember Spooner; and passed by voice vote of the Council.

Committee on Planning and Development, Councilmember Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee had met several times this month and stated the Committee was considering making the Scenic Highway Ordinance a part of the Zoning Ordinance as other Counties. The contract with COG has been extended to the first of August 2001. Ms. Spooner reported there should be something next month to for Committee to consider.

Committee on Community Services, Councilmember Judy C. Mims, Chairman.

Mr. William Crosby reported in Mrs. Mims’ absence that the committee had no report.

Committee on Public Works and Purchasing, Councilmember Caldwell Pinckney, Jr., Chairman.

Councilmember indicated the Committee met on April 9, and all matters were taken care of during a Special Council Meeting on April 9, 2001.

Nominations of Membership on Boards, Commissions, Etc.

Councilmember Spooner appointed Chuck Cain to the Trident Workforce Investment Board.

Councilmember Crosby appointed William Hill and Wayne Ahl, as an alternate to the Construction Board of Adjustment and Appeals.

All of the nominations were passed by voice vote of the Council.

There was no **Correspondence**.

There was no **Unfinished Business**.

There was no **New Business**.

Chairman Rozier announced the next Regular Council Meeting will be held on Monday, May 21, 2001 at 7:00 p.m.

Councilmember Crosby moved to adjourn; the motion was seconded by Councilmember Spooner; and passed by voice vote of the Council.

The Regular Council Meeting adjourned at 8:05 p.m.

S/Barbara B. Austin
Clerk to County Council

May 21, 2001
Date Approved